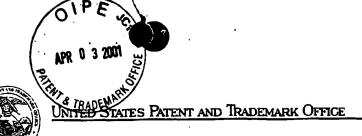


PATENT	Dkt No. X11766B Atty TMT
RECEIVED BY THE UNITED STATES PAT	ENT & TRADEMARK/ 'FFICE:
Org, CIP, Div X , Con, Prov Application of: Skatrud, et al. 2	, PCT Nat'l, CPA
Titled: Multiple Drug Resistance Gene	atrD of
Aspergillus Nidulans	
Consisting of Fee Transmittal, Utility Patent Transiclaims, Abstract, Specification (31 pages), Draw Declaration and Power of Attorney X Preliminary Amendment X Recordation/Assignment Miscellaneous Papers:	wings (_ 0 _ sheets) National Phase Declaration Stmt 821; Diskette IDS/1449 _ X
Fee Transmittal Utility Patent Application	Jc715 U.S. PTO 09/758828
Express Mail Label No. EL342554508US	/



COMMISSIONER FOR PATENTS UNITED STATES PATENT AND TRADEMARK OFFICE Washington, D.C. 20231

WWW.usplo.gov

APPLICATION NUMBER

FILING/RECEIPT DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

09/758,828

01/11/2001

Paul Luther Skatrud

X-11766B

CONFIRMATION NO. 8530

FORMALITIES LETTER

OC00000005766245

Tina M. Tucker
Eli Lilly and Company
Lilly Corporate Center
Patent Division DC: 1104
Indianapolis, IN 46285

du 4-14-01

Date Mailed: 02/14/2001

WIENT DIVISION

NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Page(s) 16-28 of the specification (description and claims).
- I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the Patent and Trademark Office (PTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(i))) with evidence of such deposit must be filed within TWO MONTHS of the date of this Notice. The petition fee will be refunded if is determined that the item(s) was received by the PTO.
- II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the PTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h)) requesting the later filing date must be filed within TWO MONTHS of the date of this Notice.
- III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the PTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the PTO, and original application papers (i.e., the original disclosure of the invention) will include only those application papers present in the PTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the references in the specification to the drawing figures to correspond with any relabelled drawing figures, is required. Any drawing changes should be accompanied by a copy of the drawing



• figures showing the proposed changes in red ink. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

A copy of this notice <u>MUST</u> be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

January 11, 2001 Paul Luther Skatrud X-11766B FEE CALCULATION (continued) Fee Description Fee Paid Surcharge-late filing fee or Surcharge-late provisional filing fee or cover sheet. Non-English specification Required Under 37 CFR 1.16 and 1.17 Mailing of the Notice of 2. Payment Enclosed: 147 2,520 147 2,520 For filing a request for reexamination Requesting publication of SIR prior to Examiner action 920* Check Money Other 112 920* 112 Order Requesting publication of SIR 113 1,840* 113 1.840* after Examiner action Extension for reply within 110 FEE CALCULATION first month 390 216 195 Extension for reply within 116 second month 1. 117 890 217 445 Extension for reply within FILING FEE third month Entity Small Entity Extension for reply within Large 118 1.390 218 695 Fee Fee Fee (\$) fourth month Description
Utility
filing fee Code (\$) Extension for reply within 101 710 201 355 128 1.890 228 945 fifth month 106 206 160 Design filing fee Plant filing Notice of Appeal 320 119 219 155 310 Filing a brief in support of an appeal 107 490 207 245 120 310 220 155 fee Request for oral hearing 108 710 208 355 Reissue 121 270 221 135 114 150 214 75 Provisional 138 1,510 138 1.510 Petition to institute a public filing fee use proceeding Petition to revive-unavoidable 140 110 240 55 Petition to revive-620 SUBTOTAL (1) (\$0.00) 141 1,240 241 unintentional Utility issue fee (or reissue) 142 242 605 1,210 ee from Fee Paid Design Issue Fee 2. 243 215 143 430 CLAIMS below Plant Issue Fee Total Claims -20** Х 18 144 580 244 290 Independent Claims -3**= х 80 122 130 122 130 Petitions to the Commissioner 130 Multiple Dependent Claims х 270 123 50 123 50 Petitions related to provisional applications Submission of Information Disclosure Stmt. (first time) 126 126 240 240 Entity Small Entity Fee Description 581 40 581 40 Recording each patent Large assignment per property (times number of properties) Fee Fee (\$) Code Code (\$) Filing a submission after final rejection (37 CFR 1.129(a)) 103 Claims in excess of 20 146 710 246 355 Independent claims in excess of 3 For each additional invention to be examined (37 CFR 1.129(b)) 102 ឧก 202 39 149 249 355 710 Request for Continued Examination (RCE) 104 270 204 135 Multiple dependent 179 710 279 355 Request for expedited examination of a design Reissue independent 109 78 209 39 169 900 169 900 claims over original Reissue claims in 110 18 210 excess of 20 and over original patent Other fee (specify) Other fee (specify) *Reduced by Basic Filing Fee Paid (\$0.00) (\$130.00) SUBTOTAL (2) SUBTOTAL (3) **or number previously paid, if greater; For Reissues, see above Complete (if applicable) SUBMITTED BY Typed or Reg. Number Tina M. Tucker 47,145 Printed Name π Marce Signature tun Date CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231, on the date appearing below. ELI LILLY AND COMPANY

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Manch 28, 2001